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LEVI STRAUSS & CO.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEVI STRAUSS & CO.,

Plaintiff,

v.

ELGIN CLOTHING INC.,

Defendant.

Case No. CV 10-03529-WHA

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING DATE
ON DEFENDANT ELGIN CLOTHING
INC.'S MOTION TO DISMISS OR
TRANSFER AND INITIAL CASE
MANAGEMENT CONFERENCE**

**CMC Date: Nov. 18, 2010
CMC Time: 11:00 a.m.**

Plaintiff Levi Strauss & Co. ("LS&Co.") filed this action on August 11, 2010. By order dated September 22, 2010, this Court scheduled the Initial Case Management Conference for November 18, 2010, at 11:00 a.m.

On October 4, 2010, defendant Elgin Clothing Inc. ("Elgin") filed a Motion to Dismiss for Improper Venue, or in the Alternative, Motion to Transfer Venue. Elgin set the motion for hearing on November 18, 2010, at 8:00 a.m. The motion was accompanied by an affidavit from Rasheed Khan, the "authorized agent" for Elgin. Elgin's motion asserts, based on Mr. Khan's affidavit, that venue is not proper in this Court.

1 In order to allow LS&Co. to respond appropriately to Elgin's motion, the parties have agreed
 2 that LS&Co. will take discovery, including the depositions of Mr. Khan and of Elgin pursuant to Fed.
 3 R. Civ. P. 30(b)(6). Those depositions have been tentatively scheduled for November 8, 2010.

4 Accordingly, in order to allow time for the necessary discovery and for the parties to complete
 5 briefing on Elgin's motion, the parties hereby stipulate and agree that the hearing on Elgin's motion to
 6 dismiss or transfer shall be continued to December 9, 2010, at 8:00 a.m.

7 In addition, in order to conserve resources since Elgin's primary counsel is located in Illinois,
 8 the parties further stipulate and agree that the initial Case Management Conference in this matter shall
 9 be continued to the same date, December 9, 2010, at 11:00 a.m.

10
 11 DATED: October 22, 2010

TOWNSEND AND TOWNSEND AND CREW LLP

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 13 By: /s/ Gia L. Cincone
 14 Gia L. Cincone
 Attorneys for Plaintiff LEVI STRAUSS & CO.


15 DATED: October 22, 2010

THE LAW OFFICES OF ANTHONY SASSAN

16
 17 By: /s/ Anthony Sassan
 18 Anthony Sassan
 Attorneys for Defendant ELGIN CLOTHING INC.

19 IT IS SO ORDERED.

20
 21 DATED: October 25, 2010

22 
 Hon. William Alsup
 United States District Judge

23
 24 62951178 v1

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2010, a true and correct copy of the foregoing
STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING DATE ON
DEFENDANT ELGIN CLOTHING INC.'S MOTION TO DISMISS OR TRANSFER AND
INITIAL CASE MANAGEMENT CONFERENCE was filed electronically with the Clerk of
the Court using CM/ECF System. Notice of this filing will be sent by operation of the Court's
electronic filing system to all parties indicated on the electronic filing receipt. Parties may access
this filing through the Court's electronic filing system.

By: /s/Victoria E. Hopper
Victoria E. Hopper

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